IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5411 OF 2005

Chandrashekar @ Baboo Purachandra
Maharana & Anr. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Shri. Waris Pathan for the Applicants.
Ms M. H. Mhatre, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 29, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicants and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that even going by the prosecution case, offence under section 489-C of the Indian Penal Code is attracted and not the offence under section 489-B. He submitted that offence under section 489-C is a bailable offence.

3. The learned A.P.P. produced for my perusal the statements of the witnesses recorded during the investigation. All that the said witnesses have stated is that the Applicants offered fake currency notes of denomination of Rs.100/- to the first informant. Considering the material which is produced by the prosecution, at this stage it is very difficult to come to the conclusion that section 489-B of the Code is attracted. The Applicants were found in possession of fifteen fake currency notes of Rs.500/-

and Rs.100/-. Investigation is completed and chargesheet has been filed. No criminal antecedents of the Applicants have been brought on record. Hence, the Applicants are entitled to bail subject to stringent conditions.

4. Hence, I pass the following order:

: O R D E R :

i) The Applicants shall be enlarged on bail in connection with **C.R.No.165 of 2005 of D.N. Nagar Police Station,** subject to furnishing a personal bond of **Rs.20,000/- each** with two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicants will report to the concerned Police Station from 11.00 a.m. to 01.00 p.m. on every Sunday till the conclusion of trial.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicants shall co-operate with the learned Trial Judge for expeditious disposal of the

trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE